DRAFT Permit Delivery Subcommittee Report

What is the purpose of this report?

The purpose of this report is to summarize the work, lessons learned, and recommendations of the Permit Delivery Subcommittee. This committee is one of several technical subcommittees established by the Transportation Permit Efficiency and Accountability Committee (TPEAC) to streamline the environmental permitting of transportation projects. This report includes the work of the former TPEAC pilot projects and one-stop subcommittees. These two subcommittees merged and became the Permit Delivery Subcommittee.

The Permit Delivery Subcommittee was directed by TPEAC to evaluate opportunities for permit reform, develop tools, and make recommendations on a number of complex streamlining issues. The subcommittee initially focused on the permitting of large transportation projects. Two transportation projects, Hood Canal Bridge (SR 104) and the Yakima River Bridge (SR 24), were chosen by the subcommittee to study the permitting of these two large and complex projects. The subcommittee pioneered the use of interagency permit teams (IPT Teams) on the pilot projects to test a process for coordinated permit review. In addition to the pilot project work, the subcommittee also evaluated barriers and opportunities to achieve a concurrent process for public review and public hearings and develop a unified appeals process for one-stop permitting. The subcommittee also investigated and ultimately focused on the possibilities and benefits of using web-based technology to improve environmental permitting.

Many unforeseen challenges faced the subcommittee that required the group to be flexible in order to meet the goals established by TPEAC. The TPEAC legislation as originally drafted focused the larger transportation projects of "statewide significance." These projects (such as the widening of the

Washington State Department of Transportation

entire I-405 corridor) began to disappear or were reconfigured into segments as funding was reduced by citizen initiative. Funding problems also impacted two of the three TPEAC pilot projects. The Permit Delivery Subcommittee developed models for large mega projects with the potential for future use for similarly sized projects, not for smaller current proposals. In spite of these challenges, the work of the subcommittee resulted in the development of streamlining tools that are being used by WSDOT to improve environmental permitting.

Successful tools developed by the subcommittee currently being used by WSDOT include multiple web-based permitting tools such as web-based project management, use of on-line guidance, and instructions for complete application submittals. The Permit Delivery Subcommittee explored the concept for one-stop permitting and found that it was not practical or feasible; however, in many respects the Multi-Agency Permit Team (MAP) is a one-stop process where regulators are co-located to provide a single source for interdisciplinary review. Consolidated review offered by web-based permitting also assists in fulfilling the intent of one-stop permitting.

1. What did the TPEAC legislation direct the Permit Delivery Subcommittee to accomplish?

The TPEAC legislation directed the subcommittee to develop a variety of innovative approaches to improve the transportation project environmental review and permit decision-making process among federal, state, and local governments. TPEAC was directed to:

- Conduct permit reform pilot projects and apply lessons learned to other transportation projects of statewide significance.

- Develop an interdisciplinary permit review process for the pilot projects to provide coordinated review and approval of permit application, consolidated public hearings, timelines for permit decision-making, and a dispute resolution process.

- Develop a one-stop permit decision-making process that uses interdisciplinary review of transportation projects of statewide significance to streamline and expedite permit decision-making.

- Develop a work plan to use the one-stop process on projects of statewide significance. The work plan must include a process that enables the department to propose permit terms and conditions for permitting agency review and approval.

- Identify barriers and opportunities to achieve a concurrent public review process, concurrent public hearings, and a unified appeals process for one-stop permitting.

- A budget proviso contained in the 2003 Transportation Construction Budget included a requirement that WSDOT pilot the self-drafting permit terms and conditions on ten projects (contained in the Nickel Fund list).

2. What were the primary subcommittee accomplishments and how have these been used to improve the environmental permitting process for transportation projects?

The Permit Delivery Subcommittee provided WSDOT with several new tools and innovative approaches for environmental permitting. The Subcommittee served as a valuable forum to raise awareness, evaluate, and develop solutions for permit streamlining. Working together and sharing perspectives allowed the group to better understand the complexities of the permitting and coordinating issues involved in the successful delivery of transportation projects. The Subcommittee's efforts to pioneer the process of creating interagency permit teams (IPT) provides a model for coordinating permit timelines and requirements among regulatory agencies and supports the importance of early and frequent communication and coordination between WSDOT and regulators. Evaluation of web-based permitting proved that it is a tool capable of providing multiple streamlining benefits. Web-based permitting provides for several individual streamlining efforts

initially evaluated by the subcommittee. This tool shows huge promise for improving the Joint Aquatic Resource Permit Application (JARPA) process by improving the ease and accuracy of permit submittal, increasing and enhancing agency review and allowing for coordinated agency comment and approvals and serving as a project management data base.

The Hood Canal Bridge (SR 104) and Yakima River Bridge (SR 24) pilot projects provided much insight into the complexities of permitting of large transportation projects. The pilots also showed how the unique attributes and site condition of each project make it difficult to create process and streamlining improvements that will be applicable to every project. The use of IPT teams helped reinforce the importance of early communication and project coordination between WSDOT and regulatory agencies.

The subcommittee also identified impediments to streamlining. Creation of a true one-stop permit process was found to be unfeasible and impractical due to the complexity of the numerous federal, state, and local permitting requirements, timelines, and review/approval processes that occur in Washington. Issues such as start and stop funding of transportation projects, and problems with accurate workload forecasting were identified as a huge problem for effective and efficient project development and permitting for WSDOT and resource agencies.

3. What were the products of the Permit Delivery Subcommittee?

The Permit Delivery Subcommittee developed several reports and guidance documents as well as initiated development and furtherance of several streamlining tools and/ or streamlining processes.

A. Research Papers

The Permit Delivery Subcommittee directed and reviewed development of three research papers documenting barriers and opportunities for: (1) concurrent agency public comment and appeal processes, (2) common permit application and data

requirements, and (3) coordination of information technology systems to support environmental permitting. Information on the research papers and their recommendations for streamlining are included in the following and can be found at the TPEAC web site:

http://www.wsdot.wa.gov/environment/streamlineact/default.html

1. Concurrent Agency Review, Concurrent Public Review and Appeal:

    ▪   Analysis was completed on opportunities for concurrent public comment, joint public hearings, joint appeals, and joint agency review of environmental permits.

2. Common Permit Application Data Requirements:

    Analysis was completed on common data requirements for permit applications. Recommendations from this research included:

    ▪   Consider collecting all data required for permit applications into a single data tool, like WSDOT's Project summary Database;

    ▪   Consider developing a custom JARPA supplement for transportation projects;

    ▪   Explore standardizing drawing content and GIS products attached to permit applications;

    ▪   Explore making 11x17-inch the standard size for drawings and maps attached to applications;

    ▪   Continue trends toward standardized reports and mitigation standards; and

    ▪   Encourage use of a single application, preferably JARPA, for all local shorelines, floodplain, and wetland permits.

3. Identification of Best Available Data Sources:

    The intent of this research was to discover and document the information technology support for permitting across

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JLARC Recommendations

▪Encourage the use of a joint pre-application process;

▪Explore the possibility of coordinating joint public review processes;

▪Explore convening an "IDT-like" process to review and negotiate mitigation activities;

▪Explore concurrent permit issuance;

▪Limit time and resources focused on modifying the appeal process, as opportunities for concurrent appeal appear limited; and

▪Explore or expand opportunities to track permitting timeframes.

multiple agencies so that TPEAC efforts can coordinate with, integrate into, and potentially enhance those activities. Some of the recommendations from this research included:

- Improvements are needed in the area of wetland mapping, mapping of impacts (post construction), and of mitigation plans;

- Early communication is needed between agencies to ensure that all data requirements are communicated to the applicant;

- Efforts should be made to move towards electronic forms of communication to reduce document transfer times and free up time for review;

- Provide guidance to permit applicant that leads to good data; and

- Provide easy access for good data.

B. Unified Permit Binder/Integrated Permit System

The Unified Permit Binder (UPB) was developed with a FHWA grant as a process management tool for very large, complex, or mega projects. The UPB was intended to function as a document management system that integrates project information, environmental analysis, and permit development into a single reference for the public to find up-to-date project details and regulatory information. In review of this system, the subcommittee decided that this type of document management could be better handled by electronic forms of data management, like web-based permitting, so the UPB effort did not proceed as a streamlining tool.

C. Multi-Agency Web-Based Permitting Tools

The Permit Delivery Subcommittee supported the development of web-based permitting tools and recognized the future value that such technology offers for improving multiple aspects of environmental permitting, agency review, and data/information sharing and storage. Some of the web-based permitting tools include:

1. On-Line Permit Assistance System: The On-Line Permit Assistance System (OPAS) is an interactive, query-based application designed to help applicants and WSDOT determine permitting requirements based upon answers given to select project questions and the extent to which certain regulatory thresholds are met or exceeded. The result of a query session is a customized, narrative report of applicable permits and their descriptions. See http://apps.ecy.wa.gov/opas/.

2. Permit Process Schematics: This site includes interactive process and timeline flowcharts depicting the sequence and steps associated with select permitting and regulatory processes, including Section 404, Section 10, HPA, Shoreline, CZM, SEPA, NEPA, NPDES Stormwater, Air Operating, Water Rights, NPDES, and more. Permit process schematics, coupled with customized OPAS narrative reports, provide applicants and WSDOT with a comprehensive overview of applicable permit and regulatory requirements. See http://www.ecy.wa.gov/programs/sea/pac/ppds_info/review.htm

3. Web-Based Permitting and Project Management:

WSDOT, Ecology, WSACOE, WDFW, King County, and the MAP team partnered on development of a web-based electronic permitting application called "one-Stop E-Permitting Service."   See http://www.epermitting.org. The E-Permitting Service is a single resource to prepare and submit environmental permitting applications as well as manage the larger permit and project decision-making process. The E-Permitting service was just completed (in Fall 2005) and is being tested on the following WSDOT projects:

Northwest Region
▪   SR 20 (I-5 to Fredonia)

▪   SR 522 (Bothell/UW Campus)

▪   SR 202 (Preston/Fall City Rd. Roundabout

- SR 900 (78th to Newport Way)

- SR 539 (Ten Mile Rd to the Canadian Border

- SR530 Suak River CED Bank Erosion

Southwest Region
- I-5 Rush Road to 13th St

South Central Region
- I-90 Snoqualmie Pass East

- US12 Walla Walla to McDonald Road Phase 6

- Columbia River Crossing

Information on each on these projects can be found on WSDOT's project information website at:
http://www.wsdot.wa.gov/projects/

D. Pilot Projects

The Hood Canal Bridge and Yakima River Bridge projects were selected by TPEAC to meet the legislative mandate to select and conduct permit reform pilot projects. The legislation directed TPEAC to select and conduct permit reform pilot projects in three areas of the state: (a) an urban in near built-out conditions; (b) urban centers serving as crucial rural connectors; and (c) rural corridors critical to statewide economic productivity. It was envisioned that streamlining tools and processes developed for the permitting of the pilot projects could be applied to other transportation projects. The Hood Canal Bridge (SR104) and Yakima River Bride Replacement (SR 24) were initially selected by WSDOT because they met the conditions listed above, were complex, and had very short time periods before starting construction. The third project, I-405, was dropped as a pilot project due to project funding constraints. Detailed information on the Pilot projects can be found at:
http://www.wsdot.wa.gov/environment/streamlineact/pilot.htm#Yakima

The TPEAC Pilot Project IPT Questionnaire Report was developed to document the results from the pilot projects and

capture lessons learned from the two pilot projects. In addition, the subcommittee developed the IPT Guidance Document as a tool to be used for other transportation projects teams that wanted to learn how to convene and conduct an IPT for their projects. The pilot projects did not fulfill the original intent of TPEAC for creating a template for how to permit large WSDOT projects; however, information from the IPT questionnaire supported the value of early project communication and the important venue the IPT provided for communicating project characteristics and serving as a discussion forum for developing permit terms and conditions. A summary of the work of these two reports is presented below:

1.   TPEAC Pilot Projects Interdisciplinary Team Questionnaire Report

    This report documents the results from an evaluation of a permit streamlining process applied to two TPEAC pilot projects. The main source of data was comprised of questionnaire responses from participants on the IPT teams. The responses included information about how TPEAC's One-Stop Permitting process was applied to each project as well as feedback about how the IPT functioned to achieve the stated mission and goals of the team. See

    http://www.ecy.wa.gov/programs/sea/pac/tpeac/product_library.htm#IDT_report

2. Interdisciplinary Project Team Draft Guidance

    The IPT guidance provides details on convening and conducting an IPT as a tool for streamlined state transportation project delivery. It provides background, checklists, and templates that can be used as tools to support effective IPT processes. The guidance is still in draft form and it is the intent of the Permit Delivery Subcommittee to see that the guidance is updated and completed and appropriate portions linked to WSDOT's environmental procedures manual. See

    http://www.ecy.wa.gov/programs/sea/pac/tpeac/product_library.htm#IDT_report

E. Self Drafting Permit Pilot Projects

The 2003 Legislature directed TPEAC to select ten pilot projects for WSDOT to "draft permit terms and conditions for resource agency review and approval." Permit terms and conditions for these projects are being developed and submitted using the On-Line JARPA process. WSDOT is developing standardized permit language for common permit terms and conditions for these projects. It is anticipated that some of the language can then be used to create standard specifications for construction contracts, which would improve environmental compliance for construction projects.

4. What are the lessons learned from the work of this subcommittee?

The Permit Delivery Subcommittee was tasked with developing permit reforms for some complex streamlining issues. Much of the early work of the subcommittee focused on the pilot projects. While the pilot projects proved to be very unique and did not offer opportunities to transfer specific lessons learned to other projects; however, they did reinforce many important concepts that are applicable for any project, including:

- Interagency coordination for project review and approval takes time, dedication, and concerted effort, but ultimately saves time and produces better projects.

- Early review of transportation projects by the regulatory community is essential to permitting efficiency.

- Concurrent agency review and appeals are limited by statutorily defined permitting timelines. In addition, projects that are appealed are unique and limited; few opportunities exist to streamline this effort.

- Information technology, including consistency of data, and the electronic sharing of information needs a great deal more effort to realize gains in efficiency.

- Coordinated efforts require education among participants with many participants providing information about their

agency's process and role in the project development process. The understanding helped the subcommittee find the correct focus and will stay with the participants as they continue to work on transportation issues.

▪ The subcommittee was asked to develop a new "one stop" process in a hurry. It was more of a brief, policy document rather than a defined process with guidance for implementation. The pilots did not have guidance nor did they know the intent since they did not have knowledge of the discussions that occurred with the process language.

▪ Web-based permit application like the on-line JARPA are likely to increase efficiency of permit processing.

5. What are the next steps?

The subcommittee made recommendations for how to carry the work of the subcommittee forward. Some of the topics the committee recommended be carried forward are:

▪ Linking information from the draft IPT guidance into WSDOT's existing procedures.

▪ Determining how to best utilize the work of draft permit conditions being developed from the pilot projects.

▪ Continuing efforts regarding resource agencies and WSDOT sharing GIS data.

▪ Continuing to support work on start/stop funding issues.

▪ Working jointly with the Governor's Office of Regulatory Assistance Program on the e-permitting program.

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